

**TRIAL MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

CR-07-00019

September 11, 2007
9:05 a.m.

United States of America -vs- Samuel Rayburn

PRESENT: Hon. Alex R. Munson, Chief Judge
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Courtroom Deputy
Tina Matsunaga, Deputy Clerk
Eric O' Malley, Assistant U.S. Attorney
Maravic David, Assistant U. S. Attorney
Danilo Aguilar, Attorney for Defendant
Samuel Rayburn, Defendant

Proceedings: Jury Trial - Day Two

Government by Eric O'Malley and Maravic David, AUSAs. Defendant, Samuel Rayburn was present with counsel, Attorney Danilo Aguilar. Also present were 12 regular jurors and two alternates.

Court gave an introduction to the trial.

Government began opening statement at 9:25 a.m. and concluded at 9:30 a.m.

Attorney Aguilar began his opening statement at 9:30 a.m. and concluded at 9:35 a.m.

Government called witness:

PETER RAYMOND CAMACHO. (Police Investigator - DPS). DX. Government offered into evidence **Exhibit #1**; no objection, Court so ordered. Government offered into evidence **Exhibit #2**; no objection, Court so ordered. Government offered into evidence **Exhibit #2A**; no objection, Court so ordered. Government offered into evidence **Exhibit #3**; no objection, Court so ordered. Government offered into evidence **Exhibit #4**; no objection, Court so ordered. **Attorney Aguilar began CX** at 10:08 a.m. and concluded at 10:25 a.m. Government began RDX at 10:25 a.m. Government offered into evidence **Exhibit #4A**; no objection, Court so ordered. Witness was excused at 10:30 a.m.

Court recessed the jurors for morning break at 10:30 a.m. and reconvened at 10:50 a.m.

Government called witness:

CHARLES CABRERA TORRES. DX. Government offered into evidence **Exhibit #2B**; no objection, Court so ordered.

Court recessed the jurors at 11:45 a.m.; ordered them to return at 1:30 p.m., and they left the Courtroom.

Court had discussion regarding Exhibits with counsel.

Court recessed at 11:45 a.m. and reconvened at 1:35 p.m.

Government continued DX of witness Charles Cabrera Torres. Government moved to admit **Ex. 2B** into evidence; Defense objected. Court overruled the objection and the transcripts were received into evidence. Government offered into evidence **Exhibit #2C**; no objection, Court so ordered. Government offered into evidence **Exhibit #4B**; no objection, Court so ordered. **Attorney Aguilar began CX of witness as 2:20 p.m.** and finished at 3:05 p.m. Government began RDX. Witness was excused at 3:10 p.m.

Court recessed at 3:10 p.m. and reconvened at 3:30 p.m.

Government called witness:

DEBORAH MUUSERS. (DEA Agent). DX. Government moved to admit **Ex. 5** into evidence; no objection. Court so ordered. Attorney Aguilar began CX at 3:40 p.m. and concluded at 3:45 p.m. RDX. Witness was excused.

Government rested at 3:45 p.m.

Jurors were excused and went to the jury deliberation room.

Attorney Aguilar moved for Judgment of Acquittal on Count II. Government argued. Court, after hearing argument, **DENIED** the Rule 29 motion.

Jurors returned to the Courtroom at 3:50 p.m.

Defense began case.

Defense called witness:

JAMES E. PHILLIPS. DX. CX. Witness was excused at 4:12 p.m.

Jurors were excused for the evening at 4:15 p.m.; ordered to return at 9:00 a.m. tomorrow; admonished not to listen to the media or talk with anyone about the case.

Outside the presence of the jury, Court discussed jury instructions with counsel.

Court, after hearing argument, GRANTED the Government's objection to the use of jury instruction regarding mental incapacity.

Adjourned at 4:20 p.m.

/s/ K. Lynn Lemieux, Courtroom Deputy